IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 11846 of 2007(I)

PETITIONER:

K.K.CHENTHAMARAKSHAN, ADVOCATE,
JAIN TEMPLE ROAD, VADAKKANTHARA, PALAKKAD.

BY ADV. SRI.T.I.DANIEL

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT OF KERALA,
TRIVANDRUM.

2. THE SECRETARY, DEPARTMENT OF HOME
AFFAIRS, GOVERNMENT OF KERALA, TRIVANDRUM.

3. THE LAW SECRETARY,
GOVERNMENT OF KERALA, TRIVANDRUM.

4. THE DISTRICT COLLECTOR, PALAKKAD.

BY GOVT. PLEADER SRI.T.B.MOOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.11846 OF 2007-I

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Dated this the 11th day of April, 2007.

JUDGMENT

The petitioner was an Additional Public Prosecutor in the Fast Track Court No.I, Palakkad. Obviously, such appointment was a term appointment. That appointment was revoked by the Government. As of now, alternate hands have been appointed. The power of the Government to revoke the appointment of persons like the petitioner, has been upheld by this Court by judgment in WP(C). No.25451/2006 and that has been confirmed in W.A.No.458/2007. Under such circumstances, I do not find any way to interfere with the removal of the petitioner from the post of the Additional Public Prosecutor.

2. Though no specific grounds are stated and reliefs sought for, the learned counsel for the petitioner referring

to some of the pleadings in the writ petition, stated that the persons, who have now been appointed as Additional Public Prosecutors, including the one in the Fast Track Court No.I, Palakkad, have been appointed violating the rule of consideration contained in Section 24 Cr.P.C. He accordingly, points out that the action taken in that regard is in clear violation of the law laid by the Division Bench of this Court in **Omanakuttan Nair v. State of Kerala, 2003 (1) KLT 226**. However, that question is not germane for consideration to repel the plea of the petitioner to continue as Additional Public Prosecutor. Therefore, that question is left open.

In the result, this writ petition is dismissed, however, without prejudice to all questions which are left open as stated above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-